

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

BRITTANY M. THOMPSON,)	
JENNIFER R. HIGHT,)	
KATHERINE M. BELLOWS,)	
and DANIELLE L. MCELROY,)	CIVIL ACTION NO.
individually and on behalf of all)	1:14-CV-00390-RWS
others similarly situated who)	
consent to their inclusion in a)	
collective action,)	
)	Jury Trial Demanded
Plaintiffs,)	
)	
v.)	
)	
1715 NORTHSIDE DRIVE, INC.)	
d/b/a Club Babes, a corporation;)	
and C.B. JONES and KAREN)	
KIRK, individuals,)	
)	
Defendants.)	
)	

**UNOPPOSED MOTION TO STAY DEADLINE FOR DEFENDANT 1715
NORTHSIDE DRIVE, INC. TO RESPOND TO PLAINTIFFS' MOTION
FOR CONDITIONAL CLASS CERTIFICATION**

Pursuant to Federal Rule of Civil Procedure 7 and Northern District of Georgia Local Rule 7.1, Defendant 1715 Northside Drive, Inc. d/b/a Club Babes¹ respectfully moves this Court for an order staying the deadline for Defendant 1715

¹ The d/b/a/ is improperly named. Defendant 1715 Northside Drive, Inc. does business as Diamond Club.

Northside Drive, Inc. to respond to Plaintiffs' Motion for Conditional Class Certification. (Docket Entry No. 5.)

On March 13, 2014, counsel for Defendant 1715 Northside Drive, Inc. conferred with counsel for Plaintiffs Brittany M. Thompson, Jennifer R. Hight, Katherine M. Bellows, and Danielle L. McElroy ("Plaintiffs"), who agreed to the relief requested herein.

This is a case brought under the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.*, ("FLSA") by Named Plaintiffs, who contend they were not properly paid minimum wages and overtime wages as required under the FLSA. Defendant 1715 Northside Drive, Inc. presently owns the Diamond Club where Plaintiffs alleged to have performed. Plaintiffs have pled this case as a collective action on behalf of other "similarly situated" current or former "dancers" or "entertainers" who performed at the Diamond Club and have filed consents to sue.

Defendant 1715 Northside Drive, Inc. denies Plaintiffs' allegations, denies that Named Plaintiffs are similarly situated to the others they seek to represent, and denies that this action is appropriate for certification as a collective action. However, Defendant 1715 Northside Drive, Inc. and the Named Plaintiffs have agreed to discuss a potential settlement of this lawsuit to resolve Plaintiffs' claims against Defendant 1715 Northside Drive, Inc. The parties are currently discussing

the terms of settlement, which may include an agreement by Defendant 1715 Northside Drive, Inc. to stipulate to conditional certification, thereby mooting Plaintiffs' Motion.

No previous request for an extension or to stay these proceedings has been requested by any party. The parties state that this request is not for the purpose of delay or prejudice, but instead is for the purpose of potentially settling and resolving this lawsuit.

The parties respectfully request that the Court stay the deadline for Defendant 1715 Northside Drive, Inc. to respond to Plaintiffs' Motion for Conditional Class Certification. If the parties are unable to agree to the terms of a settlement, the parties will inform the Court at that time, at which point the deadline can be rescheduled in a joint proposed scheduling order.

Dated: March 14, 2014

By:

/s/ W. Anthony Collins, Jr. (with express permission)

W. Anthony Collins, Jr.
Georgia Bar No. 141712
wicollin@hotmail.com
SMITH COLLINS, LLC
8565 Dunwoody Place
Building 15, Suite B
Atlanta, GA 30350
Tel: (770) 378-1408

Counsel for Plaintiffs

/s/ Eric Magnus

Eric R. Magnus
Georgia Bar No. 801405
magnuse@jacksonlewis.com
Erin J. Krinsky
Georgia Bar No. 862274
erin.krinsky@jacksonlewis.com
JACKSON LEWIS P.C.
1155 Peachtree Street, NE
Suite 1000
Atlanta, Georgia 30309
Tel: (404) 525-8200
Fax: (404) 525-1173

Counsel for Defendant 1715 Northside
Drive, Inc.

CERTIFICATION

In accordance with LR 5.1C, NDGa, I hereby certify that this document has been prepared in 14 point, Times New Roman font.

/s/ Eric Magnus

Eric Magnus

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**1715 NORTHSIDE DRIVE, INC.)
d/b/a Club Babes, a corporation;)
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KIRK, individuals,)**

Defendants.

**CIVIL ACTION NO.
1:14-CV-00390-RWS**

Jury Trial Demanded

ORDER ON UNOPPOSED MOTION TO STAY DEADLINE FOR
DEFENDANT 1715 NORTHSIDE DRIVE, INC. TO RESPOND TO
PLAINTIFFS' MOTION FOR CONDITIONAL CLASS CERTIFICATION

This matter comes before the Court on Plaintiffs and Defendant 1715 Northside Drive, Inc.’s Unopposed Motion to Stay Deadline for Defendant 1715 Northside Drive, Inc. to Respond to Plaintiffs’ Motion for Conditional Class Certification. For good cause shown, the Court **GRANTS** the parties’ Unopposed Motion. Defendant 1715 Northside Drive, Inc.’s deadline to respond to Plaintiffs’

Motion for Conditional Class Certification is hereby **STAYED**. If the parties are unable to settle the case, the deadline will be rescheduled in a joint proposed scheduling order by the parties:

SO ORDERED, this ____ day of _____, 2014.

THE HONORABLE RICHARD W. STORY
UNITED STATES DISTRICT JUDGE

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Defendants.)	
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CERTIFICATE OF SERVICE

I certify that on March 14, 2014, I electronically filed the foregoing **CONSENT MOTION TO STAY DEADLINE FOR DEFENDANT 1715 NORTHSIDE DRIVE, INC. TO RESPOND TO PLAINTIFFS' MOTION FOR CONDITIONAL CLASS CERTIFICATION** with the Clerk of the Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

W. Anthony Collins, Jr.
SMITH COLLINS, LLC
8565 Dunwoody Place
Building 15, Suite B
Atlanta, GA 30350

Herbert P. Schlanger
LAW OFFICES OF HERBERT P. SCHLANGER
230 Peachtree Street, N.W.
Suite 1890
Atlanta, GA 30303

/s/ Eric Magnus
Eric R. Magnus